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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/789,222

02/27/2004

Qin Yu

UPN0003-100

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34136

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11/26/2008

Pepper Hamilton LLP
400 Berwyn Park
899 Cassatt Road
Berwyn, PA 19312-1183

EXAMINER

ROBINSON, HOPE A

ART UNIT

PAPER NUMBER

1652

MAIL DATE

DELIVERY MODE

11/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10789222	2/27/04	YU, QIN	UPN0003-100

Pepper Hamilton LLP
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EXAMINER

HOPE A.. ROBINSON

ART UNIT**PAPER**

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20081121

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Commissioner for Patents

The amendment filed on August 20, 2008 is non-responsive. The elected invention is a pharmaceutical composition comprising an ECM matrix binding fragment of Ang-1 consisting of SEQ ID NO:1. The claims have been amended to recite a composition comprising a mutant of SEQ ID NO:13 or 14. The claims under examination were only examined to the extent that they pertain to the elected subject matter of SEQ ID NO:1. It is noted that withdrawn do not bear the withdrawn status identifier, see for example claim 81. Moreover non-elected subject matter remains in the claims under examination (see for example claim 1 with the vector) and other claims examined have been amended to blend more than one invention (see for example claim 19 with SEQ ID NOS:13 and 14). Applicant's have received an examination of a composition comprising SEQ ID NO:1 pertaining to proteins only not the DNA. It is suggested that the claims are amended to specifically claim the elected subject matter. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 19, 26 and 81-103 and the vector recited in claim 1 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hope A. Robinson whose telephone number is 571-272-0957. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nashaat T. Nashed, Ph.D., can be reached at (571) 272-0934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hope A. Robinson/
Primary Examiner, Art Unit 1652